IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4165 OF 2004

Manoj Kumar Rajshekar .. Applicant.
Vs.
The State of Maharashtra .. Respondent.

Mr.M.K.Kocharekar for the applicant.
Mr.V.B.Konde-Deshmukh APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 24th January, 2005.

P.C.:

. Heard Mr.Kocharekar, learned counsel for the applicant, and Mr.Konde-Deshmukh, learned A.P.P. for the respondent.

2. This is the second application filed by the applicant seeking bail in C.R.No.376 of 2003 registered at Dahisar police station for the offence punishable under section 465, 467, 468, 469, 471, 480, 511 read with 34 of Indian Penal Code. His earlier application was dismissed as withdrawn vide order dated 25.8.2004. Paragraph 2 of the said order reads thus:

> "2. In the course of arguments I was informed that in all seven crimes have been

registered against the applicant so far at different places and that he is involved in a big racket of manufacturing fake credit cards and using them for purchasing valuable items from big shops and malls. These facts were not revealed when his application for bail was earlier granted by this Court in one of such crimes, keeping this in view I was not inclined to enlarge the applicant on bail. Mr.Ponda, learned counsel for the applicant states that he was not informed by the brother of the applicant, who was instructing him and sworn the application about the applicant's involvement in seven cases. In view of this, he prayed for withdrawal of this application. The application is dismissed as withdrawn".

3. Mr.Kocharekar, learned counsel for the applicant submits that due to some misunderstanding Mr.Ponda, learned counsel who appeared in the earlier application had made incorrect statement in the application and across the bar in respect of the pendency of cases against the applicant. He further submitted that the applicant has been

released on bail in all other CRs'. According to Mr.Kocharekar, the offence in instant case is triable by Magistrate and since the investigation has already been completed the applicant may be released on bail. The applicant is in custody since last 13 months. I perused the application and order passed in application Nos.2943 of 2004 and 1742 of 2004. It is clear from the order dated 22.6.2004 passed in criminal application no.1742 of 2004 that the applicant had not disclosed that seven cases had been registered against him. When criminal application no.2943 of 2004 was being argued before me a specific query was made to the learned counsel appearing for the applicant as to how many more cases are registered against the applicant. However, it was not disclosed that the four more cases had been registered against him. It is thus clear that the applicant has obtained orders of bail from time to time in different cases by suppressing from the courts his involvement in other cases. Had he disclosed that seven cases were registered against him by different police stations for committing similar offences probably while considering the first application that was placed before me, bearing No.1742 of 2004, I would not have granted bail to the applicant. Keeping

that in view and considering the criminal antecedents of the applicant I am not inclined to enlarge him on bail. The application is, accordingly, rejected. At this stage, Mr.Kocharekar, learned counsel for the applicant prayed for directions to the trial court to dispose of the trial within time frame. Mr.Konde-Deshmukh, learned A.P.P. fairly stated that the trial could be completed within short time if such directions are issued by this court. Considering the overall facts and circumstances of the case and the submissions of learned counsel appearing for the parties the trial court shall endeavour to dispose of the trial as expeditiously as possible and preferrably within a period of four months from the date of receipt of a copy of this order. The applicant to communicate this order to the trial court through his advocate on record in the trial court within four weeks from today.

4. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court shall deal with case on merits uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)